

September 15, 2005

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
September 15, 2005

I. OPENING OF MEETING AT 9:04 A.M. AT 160 NORTH LA SALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; George E. Richards, Raymond W. Ewell, Betty Bukraba, and Barbara Peterson Commissioners; Daniel Stralka of the Commission staff; Andrew Barris, Larry Plummer, and John Logsdon participated through conference call in the Springfield office of the Civil Service Commission.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD AUGUST 18, 2005

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER RICHARDS AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD AUGUST 18, 2005.

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging	153.....	8
Agriculture	616.....	17
Arts Council.....	22.....	1
Capitol Development Board	15.....	0
Central Management Services	1669.....	120
Children and Family Services.....	3369.....	41
Civil Service Commission	3.....	0
Commerce & Econ. Opportunity	451.....	61
Commerce Commission.....	43.....	0
Corrections.....	14,173.....	116
Criminal Justice Authority.....	82.....	5
Deaf and Hard of Hearing Comm.	5.....	1
Developmental Disabilities Council	12.....	1
Emergency Management Agency	109.....	1
Employment Security.....	1919.....	26
Environmental Protect. Agency	1085.....	16
Fin. & Prof. Regulation.....	801.....	41
Guardianship and Advocacy	107.....	5
Healthcare and Family Services.....	2198.....	26
Historic Preservation Agency	339.....	11
Human Rights Commission	11.....	2
Human Rights Department	139.....	7
Human Services	14,834.....	59
Workers Comp. Commission.....	167.....	10
Investment Board.....	4.....	2
Labor.....	76.....	7
Labor Relations Board Educational	15.....	2
Labor Relations Board Local.....	1.....	0
Labor Relations Board State	20.....	2
Law Enforce. Trng. & Standard Bd.	23.....	1
Medical District Comm.....	2.....	0
Military Affairs	143.....	3
Natural Resources	1640.....	27
Pollution Control Board.....	26.....	3
Prisoner Review Board	25.....	0
Property Tax Appeal Board	23.....	2
Public Health.....	1109.....	32
Revenue	2025.....	59
State Fire Marshal.....	137.....	9
State Police	1462.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems	83.....	1
Transportation.....	2809.....	1
Veterans Affairs.....	1137.....	4
TOTALS	53,087.....	737

B. Governing Rule - Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
 1. The Governor, or
 2. A departmental director or assistant director appointed by the Governor, or
 3. A board or commission appointed by the Governor, or
 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.
 4. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
 5. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

* * *

C. Requests for 4d(3) Exemption

- Regarding Items C1 and C2, Executive Director Daniel Stralka reported that the staff had questions regarding both the subject matter of the positions' responsibilities and the reporting structure of the organization as it relates to both positions. After speaking with Theresa Bietsch at DHCFS and Mark Magill at CMS, it was determined that both positions met the policy-making and reporting requirements of Rule 11. For those reasons, the staff recommended exemption.
- Regarding Item C3, Executive Director Daniel Stralka reported that the position did not meet the reporting requirements of Rule 11 and, therefore, did not recommend exemption.
- Regarding Item C4, Executive Director Daniel Stralka reported that there were questions regarding the policy making responsibilities of the position i.e. the purchasing health care duties. Therefore, the staff recommended continuation until the October meeting.
- Regarding Item D, Executive Director Daniel Stralka reported that the position of General Counsel at the CJIA met both the reporting and policy making requirements of Rule 11.
- Regarding Item E, due to questions concerning the language used to describe the position's responsibilities in the job description, the staff recommended a continuance until the October meeting.
- Regarding Item F, Executive Director Daniel Stralka had questions regarding the potential for overlap with other 4d3 exempt positions, but after further analysis and discussion with representatives from DOC, the staff determined that the position met both the reporting and policy making requirements of Rule 11 and recommended exemption.
- Regarding Item G, Executive Director Daniel Stralka met with Ednita Murdock of IHPA and Susie Fishel of ALPLM to inquire of both agencies the overlapping of position responsibilities with regard to 4d(3) exemption requests. After further analysis and explanation from both Murdock and Fishel, it was determined that the position met both the policy-making and reporting requirements of Rule 11 and recommended exemption.
- Regarding Item H, Executive Director Daniel Stralka reported that the position met both the reporting and policy making requirements of Rule 11 and recommended exemption.
- Regarding Item I, Executive Director Daniel Stralka reported concerns regarding possible exemption requests for managers at other DNR facilities throughout the state. After being reassured that DNR had no such intention and given the unique nature of the Sparta Facility, it was determined that the position met both the policy-making and reporting requirements of Rule 11 and the staff recommended exemption.

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- Regarding Item J, the staff recommended an extension of the position's exempt status until November 30, 2005.
- Regarding Item K, staff noted that the position was approved for exemption at the August 2004 meeting but that an administrative error caused it to be omitted from the approved minutes at that time.

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND THE MOTION UNANIMOUSLY ADOPTED TO GRANT, DENY OR CONTINUE THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

The following 4d(3) requests for exemption were granted at the September 15, 2005 meeting:

Position Title: Senior Public Service Administrator
Position Number: 40070-33-03-000-00-61
Bureau/Division: Office of Energy Assistance
Incumbent: Vacant
Supervisor: Deputy Director
Location: Sangamon County

Position Title: Senior Public Service Administrator
Position Number: 40070-33-60-000-00-61
Bureau/Division: Division of Information Services
Incumbent: Deneen Omer
Supervisor: Director
Location: Sangamon County

Position Title: Senior Public Service Administrator
Position Number: 40070-50-05-000-30-01
Bureau/Division: Office of Executive Director
Incumbent: Robert Boehmer
Supervisor: Executive Director
Location: Cook County

Position Title: Senior Public Service Administrator
Position Number: 40070-29-00-100-00-01
Division: Administrative
Incumbent: Vacant
Supervisor: Director
Location: Sangamon County

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Position Title: Senior Public Service Administrator
Position Number: 40070-48-10-000-00-01
Division: Administrative Services
Incumbent: Robert P. Weichart
Supervisor: Director
Location: Sangamon County

Position Title: Senior Public Service Administrator
Position Number: 40070-34-00-310-00-01
Division: Administration
Incumbent: Curt E. Stephens
Supervisor: Agency Director
Location: Sangamon County

Position Title: Senior Public Service Administrator
Position Number: 40070-12-04-000-00-01
Division: World Shooting/Recreational Complex
Incumbent: Vacant
Supervisor: Director
Location: Randolph County

The following 4d(3) requests for exemption were denied at the September 15, 2005 meeting:

Position Title: Senior Public Service Administrator
Position Number: 40070-33-03-600-00-61
Bureau/Division: Office of Energy Assistance
Incumbent: Vacant
Supervisor: Deputy Director
Location: Sangamon County

The following 4d(3) requests for exemption were continued until October 20, 2005 meeting:

Position Title: Senior Public Service Administrator
Position Number: 40070-33-05-100-20-61
Bureau/Division: Office of Healthcare Purchasing
Incumbent: Vacant
Supervisor: Deputy Director
Location: Sangamon County

Position Title: Senior Public Service Administrator
Position Number: 40070-10-11-700-00-01
Bureau/Division: Office of Human Resources
Incumbent: Vacant
Supervisor: Senior Public Service Administrator
Location: Cook County

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IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER EWELL, AND THE MOTION UNANIMOUSLY ADOPTED TO GRANT THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

Position Title: Senior Public Service Administrator
Position Number: 40070-33-00-060-00-22
Division: Office of the Director
Incumbent: Vacant
Supervisor: Director
Location: Cook County

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND THE MOTION UNANIMOUSLY ADOPTED TO EXTEND THE 4D3 EXEMPT STATUS UNTIL NOVEMBER 30, 2005 FOR THE FOLLOWING POSITION:

Position Title: Senior Public Service Administrator
Position Number: 40070-34-00-000-10-01
Division: Administration
Incumbent: Rafael Matias
Supervisor: Director
Location: Cook County

V. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS OF DISMISSAL FILED WITH THE COMMISSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4) AND 2(c)(11) OF THE OPEN MEETINGS ACT.

PETERSON	YES	KOLKER	YES
EWELL	YES	BUKRABA	YES
RICHARDS	YES		

VI. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle, Suite S-901, Chicago, Illinois at 9:35 a.m.

PRESENT

Chris Kolker, Chairman, George E. Richards, Raymond W. Ewell, Betty Bukraba, and Barbara Peterson, Commissioners and Daniel Stralka of the Commission staff. Staff member Andrew Barris participated via conference call from the Springfield office of the Commission.

VII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services consecutive non-merit report as of August 31, 2005.

	<u>7/31/05</u>	<u>8/31/05</u>
Agriculture	1	3
Central Management Services	7	5
Children & Family Services	0	7
Comm. & Econ. Opportunity	2	1
Healthcare & Family Services	6	10
Historic Preservation	32	31
Human Rights	0	1
Natural Resources	26	26
State Fire Marshall	4	2
State Retirement Systems	1	1
Transportation	<u>10</u>	<u>11</u>
Totals	89	98

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VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• LAYOFF APPEAL

LA-21-05

Petitioner	Brenda Potts	Appeal Date	10/27/04
Agency	DNR	Decision Date	8/24/05
Type of Appeal	Layoff Appeal	ALJ	Daniel Stralka
Charge(s)	Violation of Personnel Rules	Proposed Finding	ALJ Granted Motion to Dismiss

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING THAT THE COMMISSION IS WITHOUT JURISDICTION TO CONSIDER THIS APPEAL.

PETERSON	YES	KOLKER	YES
EWELL	YES	BUKRABA	YES
RICHARDS	YES		

IX. APPEALS TERMINATED WITHOUT DECISION

• DISMISSAL

DA-59-05

Respondent	Sally Van Dyke	Appeal Date	6/13/05
Agency	DOC	Decision Date	9/1/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Misconduct; Failure to Carry Out Assigned Duties	Recommended Decision	Appeal Withdrawn; Dismissed Subject to Commission Approval

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IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION DISMISSING THE APPEAL OF THE PETITIONER, SALLY VAN DYKE.

PETERSON	YES	KOLKER	YES
EWELL	YES	BUKRABA	YES
RICHARDSON	YES		

X. AMENDMENTS IN CLASS SPECIFICATIONS

- A. The following class title was submitted for establishment by the Director of Central Management Services:

Mental Health Program Administrator

The serves as director of the Office of Mental Health within the Department of Human Services (DHS). The position serves as a policy-making official and determines DHS Mental Health policy on a state-wide basis, including standards of service for mental health programs. Additionally, the Mental Health Program Administrator directs the planning process to maintain and improve the coordination of mental health services with local community mental health providers. Subordinate to the Mental Health Program Administrator are all positions which serve as administrative heads of the ten Mental Health facilities engaged in meeting the psychological, medical, social, dietary, therapeutic and rehabilitation needs of persons with severe mental illnesses, the forensic units and the detention facility for sexually violent persons. Through these subordinate administrators, this position manages a major workforce of over 3,000 incumbents in several locations throughout the state.

The state-wide scope of the major duties performed, including directing the administration of mental health facilities, forensic units, the detention facility for sexually violent persons and the integration of state mental health programs with local community providers are such that a new, more narrowly defined, Mental Health Program Administrator class is recommended for creation instead of using the existing generalist Senior Public Service Administrator classification.

Executive Director Daniel Stralka informed the Commission that he had spoken with Larry Plummer and John Logsdon at CMS regarding the past practice of creating a class for a single position. It was noted that there are at present 106 single position classes out of 953 total classes. Larry Plummer indicated that its purpose was to get the best applicant for positions necessitating the highest quality candidates.

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IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON AND THE MOTION ADOPTED 4-0 TO APPROVE THE ESTABLISHMENT OF THE FOLLOWING CLASS SPECIFICATION FOR THE FOLLOWING CLASS TITLE TO BE EFFECTIVE OCTOBER 1, 2005. COMMISSIONER EWELL ABSTAINED.

Mental Health Program Administrator

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND THE MOTION UNANIMOUSLY ADOPTED TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

XI. FY2005 ANNUAL REPORT

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE FISCAL YEAR 2005 ANNUAL REPORT.

XII. MEETING SCHEDULE FOR 2006

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER RICHARDS AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE FOLLOWING MEETING SCHEDULE FOR 2006 AS PRESENTED.

January 19, 2006	Chicago		July 20, 2006	Chicago
February 16, 2006	Chicago		August 17, 2006	Chicago
March 16, 2006	Chicago		September 21, 2006	Chicago
April 20, 2006	Chicago		October 19, 2006	Chicago
May 17, 2006	Springfield		November 16, 2006	Springfield
June 15, 2006	Chicago		December 21, 2006	Chicago

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY CHAIRMAN KOLKER AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE ESTABLISHMENT OF THE FOLLOWING CLASS SPECIFICATIONS FOR THE FOLLOWING CLASS TITLE TO BE EFFECTIVE JULY 1, 2005.

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XIII. STAFF REPORT

- Executive Director Daniel Stralka discussed preparations for the 100th anniversary of the Commission.
- Executive Director Daniel Stralka advised the Commissioners that the internal auditor had finished with his work in the office.
- Executive Director Daniel Stralka advised the Commissioners that the construction work on the Springfield office was near completion.
- Executive Director Daniel Stralka advised the Commissioners that the search for an Executive Secretary III had commenced, that several candidates had been interviewed. A candidate would likely be selected by the next meeting of the Commission.
- Assistant Executive Director Andrew Barris advised that the FY06 Affirmative Action Plan had been submitted.

XIV. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, October 20, 2005 at 9:00 a.m. in the Commission's Chicago Office.

XV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON AND THE MOTION UNANIMOUSLY ADOPTED TO ADJOURN THE MEETING AT 10:03 A.M.